

October 31, 1968

REC-14

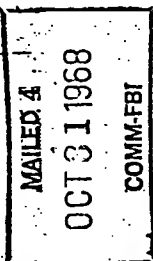
105-49865-53

Mrs. H. W. Gill  
10 Houston Street  
Mobile, Alabama 36606

Dear Mrs. Gill:

The copy of your letter dated October 24th addressed to the Editor of the "Mobile Press Register," together with the clipping you enclosed from the October 22nd issue of that paper, has been received. It was certainly thoughtful of you to furnish these to me and I want to express my appreciation for your kind comments regarding my work.

Sincerely yours,  
J. Edgar Hoover



- Mobile - Enclosure

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6-10-80 BY SP2TAP/Em

WMG:cam (5)

79 NOV 15 1968

XXXXXX  
XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET1

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.



Deleted under exemption(s) b1 with no segregable material available for release to you.



Information pertained only to a third party with no reference to you or the subject of your request.



Information pertained only to a third party. Your name is listed in the title only.



Document(s) originating with the following government agency(ies) \_\_\_\_\_, was/were forwarded to them for direct response to you.

Page(s) referred for consultation to the following government agency(ies); \_\_\_\_\_ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

Page(s) withheld for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_



For your information: \_\_\_\_\_  
\_\_\_\_\_



The following number is to be used for reference regarding these pages:  
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 X DELETED PAGE(S) X  
 X NO DUPLICATION FEE X  
 X FOR THIS PAGE X  
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# Belli Talks on TV To 'Zodiac' Caller

A-4 By Dave Smith  
Los Angeles Times

SAN FRANCISCO, Oct. 22

A man who said he is the Zodiac killer repeatedly phoned a television talk show here today to arrange a secret meeting with attorney Melvin Belli.

Belli kept the date but the mysterious caller did not.

Police declined to speculate whether the bizarre phone calls were really from the killer of five or from a sick prankster.

The dramatic series of contacts began with a phone call to police at 2 a.m.

The caller demanded that either Belli or Boston attorney F. Lee Bailey—both figures in celebrated murder cases—appear on the morning talk show of disc jockey Jim Dunbar on KGO-TV.

Police phoned Belli, who went to the studio as ordered. Shortly after the show began at 6:30 a.m. the first call came through.

While thousands of breakfasting bay area residents listened, a soft, sometimes muffled voice told Dunbar, "I'll kill" unless he could speak to Belli.

Belli was put on the line, and the voice said, "I want help."

Then began a series of 13 abrupt conversations in which the caller identified himself as the zodiac and also said his name was "Sam."

When Belli attempted to draw the caller into conversation, he was repeatedly cut short as the man gave one-word and two-word answers, then slammed

the phone, then called back.

In another short conversation, Belli asked, "What is your problem?"

"I don't want to go to the gas chamber . . . I have headaches . . ."

"How long?"

"Since I killed a kid."

In still another conversation, the man's voice was extremely muffled, and Belli asked, "What's the matter?"

"My head aches. I'm so sick. I've having one of my headaches." Then the man emitted a strange noise and shouted, "I've got to kill! I've got to kill!" Then he hung up.

Both Dunbar and Belli assured the man that his calls were not being traced. Police declined to say whether that was actually the case.

Although most of the conversation was clearly audible to TV viewers, Dunbar and Belli also arranged that some calls be received on a private line.

It was in one of these short talks that Belli and the man arranged a 10:30 a.m. meeting "inside" a building in "a place that begins with 'D'." Belli said.

Shortly before noon, police confirmed that Belli and Dunbar had gone to 6726 Mission St. in Daly City, to an office building owned by the St. Vincent DePaul Society.

Crowds of police and newsmen were also on hand at the appointed hour, including television crews and police.

Belli and Dunbar waited 45 minutes, but "Sam" didn't appear.

Tolson ☒  
DeLoach ☒  
Walters ☒  
Mohr ☒  
Bishop ☒  
Casper ☒  
Callahan ☒  
Conrad ☒  
Felt ☒  
Gale ☒  
Rosen ☒  
Sullivan ☒  
Tavel ☒  
Tele. Room ☒  
Holmes ☒  
Gandy ☒

*This mystery will do any thing for publicity.*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6-18-80 BY SP-10/SP-10

The Washington Post  
Times Herald

The Washington Daily News  
The Evening Star (Washington)  
The Sunday Star (Washington)  
Daily News (New York)  
Sunday News (New York)  
New York Post  
The New York Times  
The Sun (Baltimore)  
The Daily World  
The New Leader  
The Wall Street Journal  
The National Observer  
People's World  
Examiner (Washington)

Date OCT 23 1969

REC-81

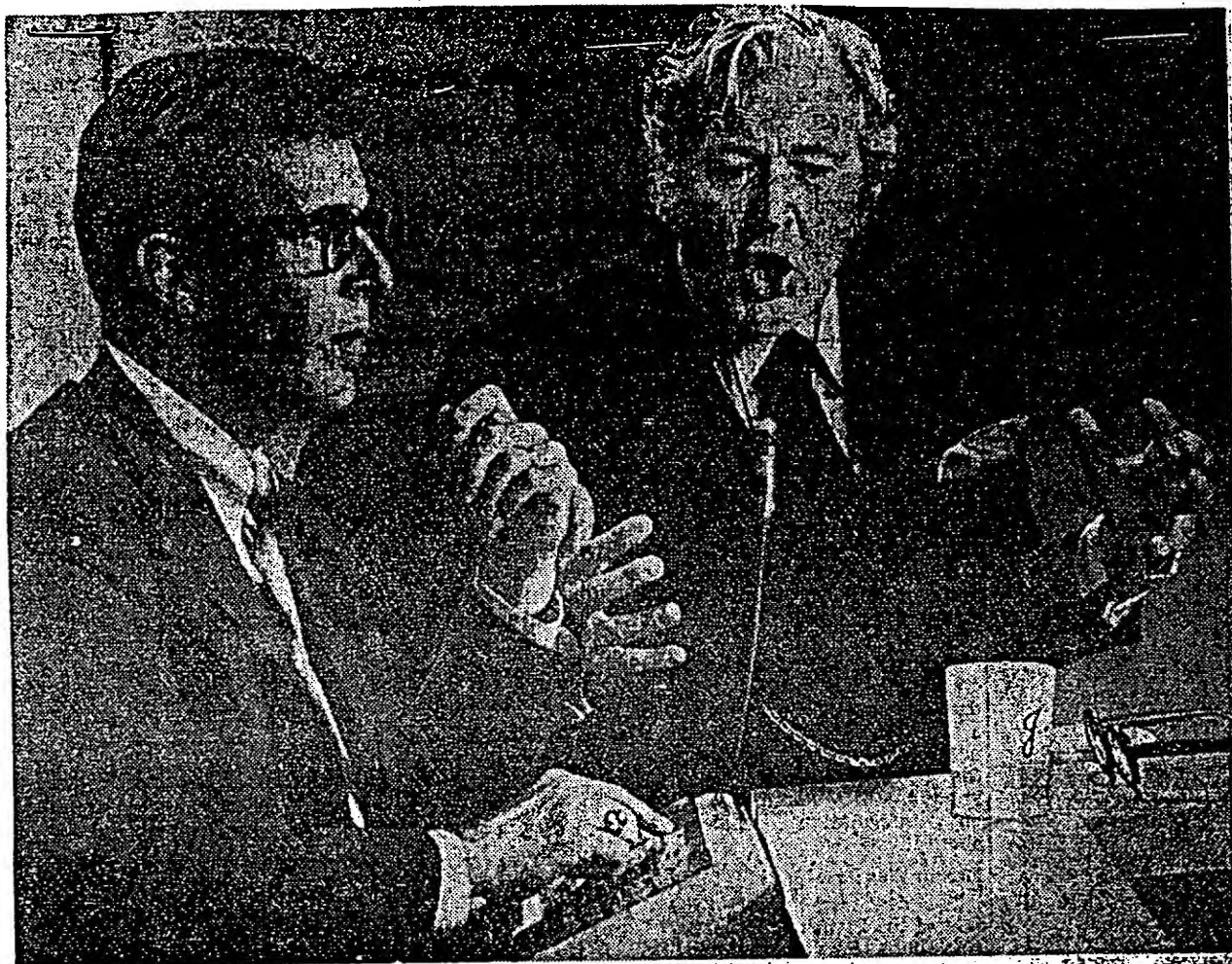
105-41815-55

RECORDED

NOV 4 1969

56 NOV 7 1969

*File → Melvin Belli*



**United Press International**

Attorney Melvin Belli, right, pleads with a man named Sam who called a San Francisco TV station 13 times and Sam identified himself as the "Zodiac" killer of five persons. Sam appeared on the talk show with host Jim Dunbar.



FBI

Date: 11/21/69

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via AIRTEL

(Priority)

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

TO: DIRECTOR, FBI

FROM: SAC, OKLAHOMA CITY (80-310)

 SUBJECT: MELVIN BELLI  
 REMARKS CONCERNING DIRECTOR  
 KOCO-TV (AMERICAN BROADCASTING COMPANY)  
 OKLAHOMA CITY, OKLAHOMA  
 11/20/69

MELVIN BELLI, controversial San Francisco, California, attorney and defender of JACK RUBY, slayer of President KENNEDY, assassin, is presently in Oklahoma City, where he is representing a local family in a malpractice suit being brought against the estate of a former physician.

In a television interview aired on KOCO-TV at 5 p.m., 11/20/69, BELLI, among many other gratuitous remarks, commented that FRANK SAWYER (old-time gangster and hoodlum) had been sentenced to 35 years in prison and had later been proven innocent. BELLI said that the Director in this connection commented that had SAWYER not been in prison for that particular offense, he would have been in for something else.

BELLI also remarked that in a recent book written by ALVIN KARPIS, KARPIS states that in connection with his arrest by the FBI, that the Director had waited "around the corner" until after KARPIS had been disarmed before actually making the apprehension himself. BELLI also commented, "I don't like Edgar."

Enclosed is a newspaper clipping taken from the "Oklahoma City Times" issue of 11/19/69, which reports an interview with BELLI. No comments concerning the Bureau appear in this story.

The above being furnished for Bureau's information, and Bureau will be kept advised of any other pertinent remarks made by BELLI while he remains in the Oklahoma City Division.

ENCLOSURE

 2 - Bureau (Enc. 1) ALL INFORMATION CONTAINED  
 1 - Oklahoma City HEREIN IS UNCLASSIFIED

LAG:mwr

DATE 6-19-88

BY SP4TAP/EC

NOV 24 1969

(3)

DEC 9 1969

Approved: \_\_\_\_\_

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

Special Agent in Charge

CRIME RESEARCH

(Mount Clipping in Space Below)

# Belli Speaks Out on Various Topics

## Hotel Service Rapped

By Mary Jo Nelson  
Melvin Belli, flamboyant San Francisco lawyer who defended Jack Ruby, slayer of President Kennedy's assassin, said today in Oklahoma City he does not approve of marijuana but thinks it is no worse than alcohol.

In the city for a legal conference, the long-haired Belli spoke out on a variety of topics.

Among other things, he says:

"It is a pity that Oklahoma City has 'so little good hotel service.'"

"He has about quit going to medical doctors but is treated instead by chiropractors."

"The tobacco companies may be damaged seriously by a series of lawsuits filed by the victims of lung cancer."

"And, LSD, the hallucination-producing drug, scares me to death," but he thinks young people are beginning to turn away from it.

Belli said he found little available, first-class hotel

service after he arrived here for a pre-trial conference.

"Why doesn't a city of this size do something about that?" he asked.

Sporting his silver hair just above his collar, Belli complained that his barber cut it too short last Friday.

He said a chiropractor cured him of headaches after medical doctors failed to do so for 30 years. Now he sees a chiropractor regularly, just about every place he goes.

He thinks "quacks" could help the legal profession also, adding: "That's why I'm so successful."

Belli said he does not approve of young people's use of marijuana.

"But neither do I approve of their parents getting stoned on bourbon. I do feel the kids have a point. They're unhappy about their parents' drunkenness. And the parents, who have a cocktail hour every night are all equipped to set examples

for their children."

Belli said LSD and other drugs are a menace to young people, but he said most of the students in his law class at the University of California use marijuana habitually.

"I think this is not as bad as getting drunk on liquor, because marijuana is not habit forming, there is no hangover and it doesn't lead to something stronger."

Belli thinks liquor ads in American publications "are an affront to all of us."

He also dislikes tobacco, and finds it "utterly amazing" that more lawsuits have not been filed by families of cancer victims. He predicted one good lawsuit won in such a case would set off a chain that could seriously hurt the tobacco companies.

Belli is representing Mr. and Mrs. Bill Dane and their young daughters in three lawsuits filed against the estate of the late Dr. Robert D. McKee. The Danes seek to recover judgments totaling \$1 million. They claim the child is seriously handicapped because Dr. McKee failed to give Mrs. Dane proper pre-natal care before her birth.

The trial will be held next month before Judge Jack R. Parr.

(Indicate page, name of newspaper, city and state.)

26 Oklahoma City Times  
Oklahoma City

Date: 11-19-69  
Edition: Evening  
Author: Mary Jo Nelson  
Editor: Charles L. Bennett  
Title: Ben K. West

Character:

or

Classification: 80-310

Submitting Office: Oklahoma City

☐ Being Investigated

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 6-17-80 BY SP1288/9m

105-4905-56 ENCLOSURE



Melvin Belli, right, talks with Floyd Martin, Oklahoma City lawyer.

August 13, 1970

105-49865-

Mr. Sidney Levin  
Executive Vice President and  
General Manager  
WKAT Radio Station  
1759 Bay Road  
Miami, Florida 33139

PERS. REC. UNIT

Dear Mr. Levin:

Your letter of August 5th concerning  
comments made about me over your station has been  
received. While I appreciate your offer of time for  
rebuttal, I feel that these scurrilous charges should  
not be dignified by a reply.

Sincerely yours,

J. Edgar Hoover

- 1 - Miami - Enclosure
- 1 - Mr. Sullivan (detached)
- 1 - Mr. Bishop (detached)
- 1 - Miss Gandy (detached)
- 1 - Miss Holmes (detached)
- 1 - M. A. Jones (detached)

NOTE: See M. A. Jones to Bishop Memo dated 8-13-70, captioned,  
"Melvin M. Belli, Criticism of Director and FBI."

LSL:paa (9)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6-18-80 BY SP2TAP/EM

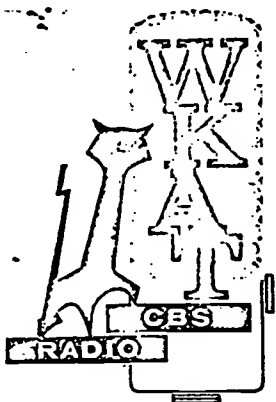
ORIGINAL FILED IN 94-40986-15

SENT DIRECTOR  
FOR APPROVAL  
8-13-70

MAIL ROOM ☐ TELETYPE UNIT ☐

60 SEP 1 1970





1360/AM FM/93.1

# The Talk of Miami

Mr. Tolson	_____
Mr. Sullivan	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

August 5, 1970

Mr. J. Edgar Hoover  
Director  
Federal Bureau of Investigation  
Washington, D.C.

Dear Mr. Hoover:

On Tuesday afternoon, August 4, at approximately 6:15 P.M., in the midst of an interview; Mr. Melvin Belli, Attorney at Law, made remarks which we have construed to be a personal attack on you.

In the highest tradition of fair play, we are enclosing a tape recording of those remarks and offer you a reasonable amount of time on this radio station to respond.

We are very anxiously looking forward to your reply.

Sincerely,

*[Signature]*  
Sidney Levin  
Executive Vice-President  
and General Manager

105-47865-  
NOT RECORDED  
183 AUG 24 1970

Enclosure

SL/rd

*[Handwritten signature]*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6-18-80 BY SP2TDP/CAE  
PERS. REC. DATE

4 AUG 20 1970

CORRESPONDENCE

Mailing List

ORIGINAL FILED IN 94-40986

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Bishop *[initials]*

FROM : M. A. Jones *[initials]*

SUBJECT: MELVIN M. BELLI  
CRITICISM OF DIRECTOR  
AND FBI

DATE: 8-13-70

*126* *[initials]*

Tolson *[initials]*  
Sullivan *[initials]*  
Mohr *[initials]*  
Brennan, C.D. *[initials]*  
Callahan *[initials]*  
Casper *[initials]*  
Conrad *[initials]*  
Felt *[initials]*  
Gale *[initials]*  
Rosen *[initials]*  
Tavel *[initials]*  
Walters *[initials]*  
Soyars *[initials]*  
Tele. Room *[initials]*  
Holmes *[initials]*  
Gandy *[initials]*

By letter dated August 5th, Mr. Sidney Levin, Radio Station WKAT, Miami, Florida, forwarded a tape of an interview of Melvin Belli by an unidentified WKAT announcer which Mr. Levin considered a personal attack on the Director and he offered time for the Director to reply to these charges.

A review of this tape indicates it was a telephonic interview of Belli concerning the remarks by President Nixon concerning the Manson murder trial. Belli was extremely critical of the President's remarks and said the explanation offered by Ronald Zeigler was ridiculous. He said that Nixon had come from behind his mask and revealed that it was he, and not Mitchell, who was attacking the judicial system and attempting to downgrade our institutions. He said that one is not supposed to talk about Mr. Hoover and motherhood, but Mr. Hoover is doing more to damage the Country than anyone he could think of with his attacks on the Supreme Court. He said he realized that the Director had taken over a corrupt organization and built it into a fine one but this was exactly the danger because he now thinks his word is law. He referred to the "villainous semantics" of the Director in saying that justice was not a part of law and order.

## INFORMATION IN BUFILES:

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6-17-80 BY SP1RAP/CA

Belli, a San Francisco attorney, is considered one of the most notorious charlatans of the legal profession. He feeds on publicity and has provoked much controversy by his repeated attacks against the FBI as well as a number of other prominent National officials and institutions. In the past we have not dignified his charges with a reply and it is felt we should not do so in this instance.

*675*

*[REDACTED]*

## Enclosure

- 1 - Mr. Sullivan - Enclosure
- 1 - Mr. Bishop - Enclosure
- 1 - Miss Gandy - Enclosure

- 1 - Miss Holmes - Enclosure
- 1 - M. A. Jones - Enclosure

SENT DIRECTOR  
FOR APPROVAL  
8-13-70

CONTINUED - OVER

CRIME  
PERS. VEC. UNIT

LSL:paa (7)

AUG 21 1970

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62

M. A. Jones to Bishop Memo  
RE: MELVIN M. BELLI

RECOMMENDATION:

That the attached letter be sent to Mr. Levin.

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Bishop

DATE: 10-14-70

FROM : M. A. Jones

SUBJECT: APPEARANCE OF MELVIN BELLI, ATTORNEY, ON  
THE DAVID FROST SHOW, TELEVISION STATION  
WTTG, CHANNEL 5, 8:30 P.M., TUESDAY, 10/13/70  
INFORMATION CONCERNING

Tolson \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tavel \_\_\_\_\_  
Walters \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

Belli was one of two guests appearing on captioned's show which was monitored by SA [REDACTED]. No reference was made to the FBI or to the Director but Belli, in discussion with Frost, made the following remarks of interest to the Bureau.

Belli discussed wire tapping briefly and stated he still believed that wire tapping was morally and legally wrong and that it "stinks of spying." He stated he believed that a man's home is his castle and that the police have enough going for them that they do not need to wire tap. There was a discussion about the waste of manpower in maintaining taps and Belli wondered how many men down in Washington were listening to dirty conversations at the present time.

In addition, he referred to a former Chief of Police in Los Angeles, not identifying him, who had a dossier on everyone on the West Coast. Belli said he could not understand why the collection of such information was necessary.

## RECOMMENDATION:

None. For information.

- 1 - Mr. Sullivan  
1 - Mr. Mohr  
1 - Mr. Bishop  
1 - Mr. Casper  
1 - M. A. Jones

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6-12-80 BY SP2TRP/CA

CRIME RESEARCH

LMG:dkg (7)

EX-103 REC-2

9 OCT 20 1970

(Mount Clipping in Space Below)

**Belli on Hoover**

Melvin Belli came to town the other day and casually slandered three American presidents. The lawyer's thesis: that J. Edgar Hoover keeps his job only because he knows dark secrets about his superiors.

"How much he has got on the present guy (Nixon) I don't know," Belli said. "The reason the Kennedys didn't get him out of there and Johnson didn't get him out of there is that he had too much on both of them. The reason that politicians don't go after him is that he just knows too much."

What could they be, those evil deeds of Kennedy, Johnson and Nixon, that are so terrible they enable the FBI director to blackmail the White House? What are the crimes or indiscretions that Belli so matter-of-factly attributes to three successive presidents?

The world will never know, at least from Melvin Belli, because as seems to be customary in attacks on Hoover and the FBI, no facts were offered in evidence.

Hoover, said Belli, has criticized the United States Supreme Court as being a "bunch of Communists."

When? Where? What is the source of this quotation? Again, no evidence — merely an unsupported assertion.

One would think, after the acute embarrassment of Rep. Hale Boggs and the lesser embarrassment of Sen. Muskie, that prominent figures would be less careless in their remarks about a respected public official.

But the innuendoes, distortions, deceptions and plain lies continue. And we continue to wonder: Where now is the showing of fair-minded outrage brought forth by such excesses as those committed by the late Sen. Joe McCarthy? Does the acceptability of the Big Lie technique depend on the identity of the victim? In some quarters the capacity for indignation appears to be highly selective.

*Belli is a well known "ass"!*

Mr. Tolson ☒  
Mr. Sullivan ☒  
Mr. Mohr ☒  
Mr. Bishop ☒  
Mr. Brennan ☒  
Mr. Callahan ☒  
Mr. Casper ☒  
Mr. Conrad ☒  
Mr. Dalbey ☒  
Mr. Felt ☒  
Mr. Gale ☒  
Mr. Rosen ☒  
Mr. Tavel ☒  
Mr. Walters ☒  
Mr. Soyars ☒  
Tele. Room ☒  
Miss Holmes ☒  
Miss Gandy ☒

(Indicate page, name of newspaper, city and state)

24

Omaha World-Herald  
Omaha, Nebraska

Date: 5-4-71

Edition: Metropolitan

Author:

Editor: Keith Wilson

Title:

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6-19-80 BY SP/TA/LEA

Classification:

Submitting Office: OMAHA

☐ Being Investigated

REC-66 JUL 23 1971

58 JUL 27 1971



UNITED STATES GOVERNMENT

*Memorandum*

[REDACTED]

5

UNITED STATES GOVERNMENT

# Memorandum

Director, FBI

DATE: 6/2/69

SAC, Honolulu (62-0-2686)

SUBJECT: MELVIN BELLI  
INFORMATION CONCERNING  
DEROGATORY COMMENTS MADE REGARDING  
FBI AND THE DIRECTOR

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

As a result of information provided the Honolulu Office to the effect that MELVIN BELLI had made some derogatory remarks regarding the FBI and the Director in a broadcast on station KHON-TV, [REDACTED] was contacted.

[REDACTED] was again contacted, as a result of which contact on 5/29/69 he provided a tape of BELLI's comments on 5/5/69.

Enclosed for the Bureau is a copy of the tape made by the Honolulu FBI Office. Following is a transcription of pertinent portions:

"You talk to any good cop and he'll tell you that he can work and live with Escobido, and he likes Escobido. Escobido being a case, of course, you've got to advise a man that he has a lawyer and doesn't have to say anything without the presence of a lawyer, and they'll get you one if you don't have the funds. I was over in Vietnam not long ago as a guest of the Government and I saw a little practice Escobido up there in the front lines. You have a man in combat before the company commander can ask that man, if he's going to accuse him, 'why are you lagging behind,' he's got to say I'll furnish you a lawyer. And I say I go back home and tell this to the people and they'll think that we've carried it to its utter sublime ridiculous. But they said that thing's given us more morale over here - that due process has followed the troops. And we don't need the fellow to prove what happened - the company commander has seen it. So why not stick with our original basic premise that we're an accusatorial society - you've got to accuse and the state has to prove a man guilty rather than inquisitorial. We're going to have the

2 - Bureau (Enc. 1) ENCLOSURE

1 - San Francisco (info)

1 - Honolulu

54 JUN 20 1969

REC-24

17 JUN 5 1969

EXP. PROC.

JUN 5 1969



HN 62-0-2686

Spanish Inquisition and the continental system here - we don't want that. I think more than ever, with all of these wiretapping devices and everything else that are being used despite the law - I think the FBI's breaking the law much more than some of these hoods.

"Q: What about this on the national level? The Department of Justice says that it needs this evidence in order to convict the men who are running organized crime.

"That's a lot of hogwash! And I think Hoover's just as dishonest as Dick Tracy is. They come up with they need all of this evidence. You know and I know down in the bookstore in this hotel we can go down and get the Green Felt Jungle, we can get books, we can get Life Magazines, that give us a blueprint who are the hoods and who are doing these things. And if Mr. Hoover doesn't know - I can tell him. He's pick up a number of other guys who can tell him. He's got it all in his files and he doesn't need wiretapping. What he wants to do is to make a national police force and give the national police force the right of invading our privacy in civil as well as criminal matters. And with government by expedience and with the population explosion, I think it's one thing we have to be more careful of than anything else, and I hope that the present administration doesn't get the idea that we ought to have wiretapping, that we ought to give Hoover more powers, and that we are coddling criminals. We're not."

The Bureau and San Francisco Office are being advised of BELLI's comments so that they can be aware of his attitude towards the Bureau in possible future contacts.

# Santa Cruz D.A. to Ask New Vice Probe; Denies Misconduct Charges

Mr. Tolson \_\_\_\_\_  
Mr. Nichols \_\_\_\_\_  
Mr. Boardman \_\_\_\_\_  
Mr. Belmont \_\_\_\_\_  
Mr. Clegg \_\_\_\_\_  
Mr. Glavin \_\_\_\_\_  
Mr. Ladd \_\_\_\_\_  
Mr. Nichols \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Tracy \_\_\_\_\_  
Mr. Egan \_\_\_\_\_  
Mr. Gurnea \_\_\_\_\_  
Mr. Harbo \_\_\_\_\_  
Mr. Hendon \_\_\_\_\_  
Mr. Jones \_\_\_\_\_  
Mr. Mumford \_\_\_\_\_  
Mr. Quinn Tamm \_\_\_\_\_  
Mr. Nease \_\_\_\_\_  
Mr. Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Holloman \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

By ERNEST LENN  
Examiner Staff Writer

SANTA CRUZ, Dec. 8—District Attorney Charles Moore today lashed back at the Santa Cruz County Grand Jury which accused him of misconduct in office by asserting he would call the body into session for a new investigation of vice, bribery and extortion.

Moore's announcement came on the heels of his appearance in superior court, where he indignantly denied "each and every accusation" leveled against him by the grand jury and aimed at his ouster from office.

The district attorney said he would call upon the grand jury to begin the new inquiry early next week.

Moore declared that new information concerning conditions had come to his attention in recent days, and indicated he intended to press hard for indictments.

## CITES BAR PAYMENT.

Although Moore declined to pinpoint the new material, he says he has, he declared flatly that it concerned "vice, bribery and extortion." In the only specific instance he cited, Moore said he would seek indictments involving a Watsonville bar operator whom he said has been paying a Watsonville policeman \$20 a week.

That payment, Moore reiterated, was for "protection" from police "interference."

Moore also snapped back at inferences by the State attorney general's office that the district attorney was "overrating" the alleged conditions. He is prepared to document and to back up his charges, Moore said.

Moore's announcement of the new grand jury inquiry highlighted a day in which fresh turmoil was injected into the long sizzling countywide controversy. There were, these other developments:

1—Moore's former aide, Raymond Jehl, and Sam Milano, a pinball distributor, also appeared before Superior Judge James Atteridge and issued blanket denials to bribery and extortion charges brought by the grand jury.

2—Moore's defense counsel, fighting the misconduct

charges against the district attorney, began issuing subpoenas to a large number of county residents, including two police chiefs, two former operators of houses of prostitution, and three members of the grand jury. Depositions aimed presumably at supporting Moore's vice charges, are to be sought.

## SEPARATE ACTION.

Moore and his attorneys, Melvin M. Belli of San Francisco and James Boccardo of San Jose, made it clear that they regarded the two forthcoming activities as separate undertakings.

In spearheading the grand jury inquiry, the attorneys said, Moore will be acting to "discharge the duties of his office."

In issuing subpoenas for depositions, they added, the attorneys are acting as the district attorney's defense counsel.

But there also were indications that a rough road lies ahead. Sources close to the grand jury indicated that body may balk at undertaking a new inquiry and broad hints were dropped around the courthouse that Judge Atteridge may have something to say about the materiality of the depositions.

The appearance of Moore, Jehl and Milano in superior Court here brought the controversy in which the youthful prosecutor finds himself to a new high.

## CHARGES MADE.

Jehl, the district attorney's former consultant on vice conditions in the county, and Milano, the pinball game distributor, were charged with bribery and extortion.

Both pleaded not guilty and their trial was set for January 4. Their indictment grew out of testimony before the grand jury including the charge that Milano gave Jehl \$4,000 to "protect" Milano's pinball machines.

Moore was arraigned on a non-criminal accusation of misconduct in office that could result in his removal from office if he is found guilty.

It was brought by the grand jury before which he appeared shortly after he took office last January to charge that vice was flourishing in the county.

Subsequently Moore accused three members of the jury, Foreman Carlyle Blodgett,

T.I.F. - SAN FRANCISCO

SAN FRANCISCO EXAMINER  
San Francisco, Calif.  
December 9, 1955  
Page 2 Col. 1,2,3

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Mr. Tolson	_____
Mr. Boardman	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Harbo	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Sizoo	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

## **Brown re-affirms a pledge**

"I am doing an honest job and a good job. I will never do anything to make my wife and seven kids or my supporters ashamed of me."

"A sheriff in this county can become independently wealthy in just one year," Brown bluntly stated. "This I will never do."

"I am living on my salary, which I said I would do. This is not easy as there are lots of additional expenses as a public official that I hadn't figured on."

The sheriff said he has just borrowed money to paint his house and he is paying off a new car. He added that he has not yet been able to pay George Newell the funds advanced during the campaign but he certainly intends to do so.

Brown disclosed that so far he has turned over to the county about \$7,000 which he is legally entitled to keep as part of his sheriff's fees. He is the first sheriff in this county to do so. Other sheriffs in non-chartered counties currently keep these funds, as allowed by state law.

Brown said he has learned a lot since January.

## **School of hard knocks**

"I have learned not to knock my head against a stone wall in trying to get things done. Martinez has taught me a lot. I am going slower."

He added there are many things yet to be changed in his department. He emphasized the need for a new prison farm, which could be completely self-supporting and even raise food for the county hospital and juvenile home.

The water at the present farm is contaminated, he said, and it costs the county \$60 a day to bring in water. Prisoners carry water to their barracks from the tank in tin cans and guards bring water in thermos jugs from their homes. Farm facilities are inadequate and the county should be ashamed of it.

Brown stated he is trying to get the county to act on this and other problems.



Neuron Time Press - Keller

10-13-11

I note in your Thursday edition of the Detroit Free Press and article by Melvin Belli headed: "Hoover Runs F. B. I. Like Personal Fief," wherein he takes a wholly unwarranted swipe at J. Edgar Hoover and the way he runs the F. B. I.

This is but one of hundreds of attempts by certain high up government officials and others with a political pull to curb Hoover's operation of the F. B. I., and to make him subservient to their wishes. So far they have failed and Hoover runs that huge organization as it should be run. These political bandits would like to make Hoover submissive to their will and to go lightly on certain cases because of the influence they allegedly hold with the voters, which in most cases is purely illusive.

Hoover however pays little attention to these requests whether they come from high-up officials or from elsewhere, and runs the department as he thinks it should be run.

So far in the thirty or forty years he has been at the head of this great organization there has never been a scandal or a question of influence, and that riles the big shots. When they find out they can't run the F. B. I. their next move is to try and unseat Hoover, which usually runs a certain course and then dies out.

Hoover runs this department so efficiently that no President had dared remove him. The public would rise up in wrath at any such attempt. They insist that the big shots, in government and out, leave him alone and let him run the department, as others run theirs. The public has confidence in Hoover. They show none to his detractors.

They should know enough by this time to let well enough alone.



b7c

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67

## Memorandum

TO : Mr. Wick

DATE: 2-25-66

FROM : M. A. Jones

SUBJECT: "PLAYBOY" MAGAZINE  
MARCH, 1966  
PANEL DISCUSSION:  
CRISIS IN LAW ENFORCEMENT

*RECEIVED*  
The captioned magazine (attached) includes a panel discussion on alleged infringement of constitutional rights of individuals. Taking part are shyster lawyer, Melvin Bell; subversive pervert, Bayard Rustin; disgraced ex-Agent, William Turner; American Civil Liberties Union Executive Director, John Pemberton, Jr.; Judge George Neighton of Chicago; the notorious literary Fred Cook, as well as Northwestern University's Fred Inbau and Joseph Lohman of the University of California School of Criminology. *7C*

As expected, all but Inbau and Lohman bitterly attack law enforcement with emphasis on their own particular complaints. Some of the strongest references emanate from ex-Agent Turner, who criticizes law enforcement in general and the FBI in particular on such points as alleged illegal arrests, wire tapping, overemphasis on statistical accomplishments, abuse of civil liberties, invasion of privacy and polygraph use.

The "Playboy" spokesman ridicules the upswing in crimes and attempts to establish the point that the Director and others who abhor "coddling of criminals" are at war with those who support civil liberties. One main point of discussion revolves about the interrogation of suspects with and without an attorney.

Some highlights of points discussed are as follows:

*RECEIVED*  
Inbau and Lohman feel recent Supreme Court decisions re individual rights have crippled law enforcement. The rest of the panel vehemently argue to the contrary, mentioning McNabb, Mallory, Gideon and Escobedo decisions. Methods of interrogation are discussed with the same split of opinion as previously indicated.

Pemberton rambles loudly and at length about civil liberties.

Rustin feels Negroes are victimized and tricked into confessing to crimes they did not commit. Also, that vagrancy laws and the bail bond system discriminate against the poor.

Pemberton strongly criticizes the "stop-and-frisk" statutes, Inbau vigorously supports these where reasonable suspicions exist.

In discussing "no-knock-and-enter" laws, Turner mentions (page 54) an FBI motel raid where Agents allegedly shot an innocent man in the face when he did not open the door fast enough. He apparently refers to an incident on 2-12-53

Enclosure 53 - APR 14 1966  
1 - Mr. DeLoach  
1 - Mr. Wick  
1 - Mr. Callahan  
1 - Mr. Rosen  
1 - Mr. Casper  
1 - Mr. Sullivan  
1 - Mr. Mohr  
1 - Mr. Gale  
1 - Mr. Trotter  
1 - Tele. Room  
1 - Holmes  
1 - Gandy

b1 c when Los Angeles Agents raided a motel room occupied by two men believed to be badly wanted fugitive [redacted] and [redacted]. After announcing their identity, the motel occupants slammed the door, trapping an Agent's arm and one shot subsequently fired by this Agent struck one of the occupants on the bridge of the nose superficially wounding him. While a most unfortunate occurrence, the Agents' actions were not near as irresponsible as suggested in this article. H.V.

b7c F.M. Cook then makes reference to a raid in the 1930's, apparently referring to the [redacted] case.

Belli, Pemberton and Leighton decry "hysteria" over crime in the streets claiming this is overemphasized; Turner agrees, claims he made arrests as an Agent he is ashamed of just to "play a numbers game" and to justify appropriations- he suggests this could be controlled by reducing appropriations.

Cook ridicules FBI crime statistics; Inbau strongly defends them.

In discussing wiretapping, Turner says he did this in the Bureau though clearly illegal. Pemberton then quotes a (1940) statement by the Director deploring wiretapping.

Turner states that while the Bureau admits the number of wires tapped, they don't say how many "bugs" are used.

Turner, in discussing mail covers, suggests that his mail to publishers is being watched because of his criticism of the Bureau.

In discussing covert surveillances, Belli particularly criticizes "peephole" types; Turner says he has done it even though unconstitutional and "I hated it."

In discussing polygraphs, Belli states he has used them and found them valuable; Turner alleges that although the Director has stated his distrust of polygraphs, the Bureau uses them on its own personnel.

Regarding civilian police review boards, Rustin and Pemberton argue for their establishment; Inbau argues against such boards.

Belli alleges the Director and others are greedy for power and want a police state.

Leighton is highly laudatory of the Chicago Police Department as an example of great improvement. H.V.

#### OBSERVATIONS:

Little new in the line of criticism has been presented by this collection of misfits and there appears to be no value in debating with this magazine or this panel, all of whom except Inbau and Lohman being notably antagonistic toward the Bureau. The only dignity that might descend on this sorry group would be recognition of any type from the Bureau. The best interests of the Bureau would appear to be served by officially ignoring this cheap attempt to enmesh the Bureau in their petty grievances.

RECOMMENDATION: For information. ✓ H.V. D

DO-6

OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

MR. TOLSON ✓  
MR. DELOACH ✓  
MR. MOHR ✓  
MR. WICK ✓  
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TELE. ROOM ✓  
MISS HOLMES ✓  
MRS. METCALF ✓  
MISS GANDY ✓



from A. C. SPECTORSKY

Dear Mr. Hoover:

It is our pleasure to send you  
tearsheets from the March issue  
of PLAYBOY and call your attention  
to "The Playboy Panel: Crisis In  
Law Enforcement". The members of  
the panel are Melvin Belli, Fred  
Cook, Fred Inbau, George Leighton,  
Joseph Lohman, John Pemberton, Jr.,  
Bayard Rustin and William Turner.

We would be delighted to hear --  
and would certainly value -- any  
thoughts you have concerning this  
feature which we might use in our  
Letters to the Editor column.

Cordially,

*A.C. Spector*  
A.C. Spector  
Editorial Director  
PLAYBOY

*Sanorey*  
*W. J. Sullivan*  
*W*

PLAYBOY / 232 east ohio • chicago 11

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APR 26 1966

APR 29 1966

ENCLOSURE

discussion

# THE PLAYBOY PANEL: CRISIS IN LAW ENFORCEMENT

*a timely debate on civil authoritarianism and its infringement on the constitutional rights of the individual*

## PANELISTS

**MELVIN M. BELLI** gained international notoriety two years ago this month when he publicly denounced the Dallas death sentence for his client Jack Ruby, murderer of Lee Harvey Oswald, as "the shotgun justice of a kangaroo court." But Belli had already been one of the most flamboyant, contentious and able ornaments of the American bar for many years. An embattled defender of individual rights in hundreds of criminal cases and personal-injury suits—for which he pioneered six-figure awards—he is a champion of the underdog and an avowed enemy of what he calls "the fascistic cop mentality." Author of many standard texts on trial law, a frequent lecturer on courtroom procedure, a popular and outspoken guest on TV discussion shows and a contributor of polemical opinion pieces to various national magazines, he has also been the subject of a controversial *Playboy* Interview (June 1965).

**FRED COOK** is the author of 11 books and hundreds of magazine articles, many of them trenchant exposés of scandals and miscarriages of justice in the fields of law enforcement and civil liberties—labors that have earned him admirers and enemies in equal measure. Winner of the 1961 Sidney Hillman Award and three-time winner of the New York Newspaper Guild's Page One Award for his journalistic public service, he made the best-seller lists in 1964 with *The FBI Nobody Knows*, a hard-hitting documentary eye opener that punctured the popular myth of FBI expertise in spy chasing and crime detection, and deplored both the autocratic power and the right-wing political philosophy of its hitherto sacrosanct director, J. Edgar Hoover.

**FRED E. INBAU** is regarded as the nation's foremost expert on police interrogation. A onetime practicing attorney and former director of the Chicago Police Scientific Crime Detection Laboratory, he is currently a professor of law at Northwestern University and editor-in-chief of the school's *Journal of Criminal Law, Criminology and Police Science*. Widely respected in police circles for his many authoritative articles and books on scientific and psychological methods of questioning criminal suspects, he is best known for his co-authorship of the *Police Interviewing Manual*.

**GEORGE N. LEIGHTON**, judge of the Circuit Court, Criminal Division, of Cook County (Chicago), Illinois, since 1964, has a long history of winning and making controversial decisions. In addition to numerous civil rights victories as a defense attorney in Southern courts, Leighton won freedom in 1952 for an Illinois convict after 17 years of imprisonment for a crime he didn't commit and, in a widely publicized eleventh-hour rescue, saved a condemned convict from execution in 1963. Even more celebrated was his unprecedented exoneration last year of two Puerto Rican boys charged with attacking two off-duty Chicago policemen with broken beer bottles and putting one of them in the hospital with multiple slashes on the face. His decision was based on evidence that the boys acted in self-defense when one of the policemen used excessive force in making an improper arrest—against which the citizen has a right to defend himself.

**JOSEPH D. LOHMAN**, dean of the School of Criminology on the Berkeley campus of the University of California, brings to the academic world a wealth of practical experience in law enforcement: as the former chairman of the Parole and Pardon Board of Illinois, onetime sheriff of Cook County, Illinois, and founder of the Southern Police Institute in Louisville, Kentucky. He is also a member of the President's Committee on Juvenile Delinquency and Youth Crime, and a consultant to police departments in Chicago, Denver, Louisville, St. Paul, Washington, Pittsburgh and New Orleans.

**JOHN PEMBERTON, JR.**, is the national executive director of the American Civil Liberties Union, the most militant private agency dedicated to the protection of individual rights against encroachment by authoritarian power. Among its many legal battles on behalf of minority groups and unpopular causes, the ACLU has even fought for the right of arch-reactionary right-wing groups to enjoy the constitutional privilege of free assembly at meetings where the ACLU itself has been condemned as a branch of the Communist Party—which it emphatically isn't, though it has often fought just as hard to safeguard the same right for American Reds. Pemberton is accustomed to contumely from every



**BELLI:** Peephole surveillance is utterly and completely abhorrent, totally impermissible. It's far more immoral than the immoralities it seeks to eliminate.



**COOK:** No police are going to stop and frisk well-dressed bankers on Wall Street, but they don't hesitate to stop well-dressed Negro businessmen in Harlem.



**INBAU:** It's a known fact that traffic cops work on a quota system of arrests, expressed or implied. It's not so well known, but so do criminal investigators.



**PEMBERTON:** We urgently need legislation to





**PEMBERTON:** The polygraph violates a person's right not to testify against himself. He is coerced by the threat of presumed guilt if he refuses to submit.



**LEIGHTON:** We're told crime has increased "five times faster than the population." I suspect that such statistics are issued to terrorize rather than inform the public.



**LOHMAN:** Once a man has been informed of his rights to counsel and to remain silent, the police should be permitted to interrogate him exactly as they wish.



**COOK:** This runaway increase in crime

**BAYARD RUSTIN**, executive director of the A. Philip Randolph Institute, an activist civil rights organization, has been an articulate, versatile fighter for racial equality ever since he was youth organizer of the 1941 Negro March on Washington and first field secretary of the then newly organized Congress of Racial Equality. In the course of an energetic and checkered career, he has spent 28 months in a Federal penitentiary as a conscientious objector, led sit-ins at the British Embassy in Washington as chairman of the Free India Committee, served 30 days in a chain gang for leading a Freedom Ride through North Carolina, and helped Dr. Martin Luther King organize the historic Montgomery, Alabama, bus boycott. In 1963 he was deputy director of the second March on Washington, and the following year he engineered the New York City school boycott. "His whole life," in the words of one reporter, "has been spent in a confrontation with police power."

**WILLIAM TURNER**, a former FBI agent and wire-tap expert, first came to public notice five years ago when he wrote to Senate and House committees—while still employed by the Bureau—demanding an investigation of FBI disciplinary measures. Immediately dismissed, he took to the air on both coasts to broadcast stinging criticisms of FBI policies and investigative methods. Since then, he has become a writer on modern police-science techniques for the legal and criminology press, consulting editor for *Police Science Library*, and a free-lance contributor of general articles to major national magazines—specializing, naturally enough, in investigative reportage. He is also writing a book, *In Light and Shadow*, about the boom in scientific crime-detection methods and their possible threats to civil liberties.

**PLAYBOY:** Amid a mounting chorus of ominous warnings by law-enforcement agencies of a rampaging upsurge in crime—at a rate five times faster than the national population growth, according to the FBI—the issue of "violence in the streets" has become both a tabloid catch phrase and a political football. Ignoring unequivocal statements by equally responsible authorities that the number of violent crimes, far from increasing, has actually been cut in half during the past 30 years, many pundits, prosecutors and police officials have found a convenient scapegoat in "bleeding-heart" judges—ringled by the "liberals" on the U.S. Supreme Court—whose legal and humanitarian concern for the constitutional rights of the individual has resulted in a series of recent decisions decried by J. Edgar Hoover, among others, as a judicial concession to "coddle criminals."

witnessed in my years of law enforcement—an overzealous pity for the criminal and an equivalent disregard for his victim."

Foremost among the historic Supreme Court decisions deplored by Hoover—and hailed by civil libertarians—are the Mapp, the McNabb-Mallory, the Gideon and the Escobedo cases, as they are popularly known. Briefly stated, the Mapp decision outlawed any use in state courts of evidence obtained by illegal house search without a warrant. In the Gideon case, the Court ruled that anyone accused of a serious offense, if unable to afford a lawyer, has a right to court-appointed counsel. The McNabb and Mallory decisions disallowed the use of confessions in Federal trials whenever Federal officers fail to bring the suspect before a magistrate "without unnecessary delay" so that he can have a preliminary hearing upon the accusation made against him. And in the widely reported case of *Escobedo vs. Illinois*, the Court voided a Chicago laborer's murder confession because police had refused to let him see his attorney before his interrogation, even though the lawyer was in the station house at the time.

Angry prosecutors have protested that almost nine out of ten convictions are based on a plea of guilty or some other form of confession. Disallowing confessions, they argue, will fatally shackle law-enforcement officers and remove the last restraints on a runaway crime wave. At loggerheads with this view are those who point to such cases as that of George Whitmore, Jr., a Negro trucker's helper, convicted and jailed in New York City in 1964 for the murder of two girls on the strength of a six-page confession, who was later proved innocent when investigative work turned up the real murderer and proved Whitmore's elaborately detailed confession to be false; and that of the knife murderer of Kitty Genovese, who carried out his crime under the eyes of 38 witnesses in Kew Gardens, Long Island; he later embarrassed police by confessing another murder to which they already held a confession from another man. Pondering how these false confessions were extracted in the first place, the public has not been reassured by declarations such as the one made last year to a *Harper's* magazine reporter by former New York City deputy police commissioner Richard Dougherty: "It is hardly news that suspects of serious crimes often get 'worked over' in the back rooms of station houses."

Who is right—the policeman who warns that we will soon be living under a rampant reign of criminal terror unless his hands are untied, or the zealous civil libertarian who declares that the police are the problem?

effect, permit *any* questioning, and the situation is becoming intolerable. In a recent case in Washington, D.C., for example, both the District police and the FBI were checking on a bank robbery. They got a hot tip on a suspect and information good enough to justify issuing a warrant for his arrest. After his arrest, on the way to the police station, the arresting officers stopped under a street light and questioned the suspect for a few minutes. He told them freely that he had committed the robbery, even told them where to find the gun and loot. They went there and found that he was telling the truth. But the Court of Appeals for the District of Columbia, acting in accordance with the McNabb-Mallory rule, held that the confession and the gun and the money could not be used as evidence against the bank robber because of the delay of mere minutes in getting him before a Federal magistrate. Common sense says the McNabb-Mallory ruling cripples law enforcement, and this is one factor that accounts for the increase in crime in the District of Columbia—and elsewhere.

LEIGHTON: Fred, you cite the increase of crime in Washington since the McNabb-Mallory decision as though one flowed from the other, but you haven't shown any cause-and-effect relationship between these two facts. Since I've been sitting on the bench of the criminal division of the Cook County Circuit Court, I have disposed of 135 cases, but in not a single one has the right to interrogate suspects been important to the prosecution of the case. In any event, these decisions are now the law of the land, and the police have no choice but to obey.

INBAU: That's the very fact I'm lamenting.

PLAYBOY: Would you favor passing legislation to grant the police broader interrogational powers than the courts now permit?

INBAU: Indeed I would. We urgently need legislation permitting police a reasonable opportunity to interrogate criminal suspects before arraignment—and without a lawyer present; for his attorney, as I said before, is going to tell him to keep his mouth shut.

LEIGHTON: But he has a perfect right to keep his mouth shut, lawyer or no lawyer. The only purpose there could be in keeping him from seeing his lawyer at that point is to keep him from knowing and exercising his constitutional right to keep his mouth shut. The major point behind these criticisms of the McNabb-Mallory, Gideon and Escobedo decisions is that the pro-police people don't want any laws of any kind to govern the conduct of the police. Do you deny that a suspect has a right to remain silent, lawyer or no lawyer?

tion begins—but by the police, not an attorney.

LOHMAN: As a former police officer, I must agree that many cases warrant brief questioning before bringing the suspect to a magistrate. Once a man has been informed of his rights to counsel and to remain silent, the police should be permitted to interrogate him exactly as they wish. So long as the suspect knows of his right to remain silent, it's senseless to forbid his being interrogated.

INBAU: Let me give you an example of the atrocious damage that results from a strict application of these rules against police interrogation without the presence of an attorney. In New York several years ago a doctor was murdered and his wife was almost killed by a man who was burglarizing their house. She was taken to a hospital. In the doctor's house, police found a discarded bloody shirt. One of the doctor's white jackets was missing. Police also found a set of keys on the floor. By checking the laundry marks in the shirt, police tracked down a suspect. He had the doctor's jacket. The keys found at the scene fitted the suspect's locker. When he was taken to court and charged with the murder, he was carefully informed of his right to counsel and asked if he had a lawyer or wanted the court to appoint one. He asked for time to think it over. The judge gave him a day. Right after that court session, the police took the defendant to the hospital, where the doctor's wife identified him as the killer. He was later tried and convicted, but the Federal Court of Appeals ruled that the state had to try the man *again*, because the police had violated his rights by taking him to the hospital when he didn't have a lawyer to advise him. That kind of excessive judicial nicety is dangerous nonsense.

PEMBERTON: You seem to regard the civil liberties granted by the Bill of Rights as nit-picking technicalities. Well, they exist to protect our concept of what is decent in a civilized society. On one hand, the government represents a tremendous power with immense resources to investigate and prosecute. The individual, even the wealthiest and most powerful individual, has no comparable financial or other resources, and the indigent suspect has so little comparable power as to call it nonexistent. It is unseemly that such a powerful government should rely on an individual's own words to justify what the government has already done—that is, take him into custody and deprive him of his liberty. Let that immense power find probable cause for arrest *before* the suspect is picked up, not after. It violates our sense of decency for a powerful government to send its agents out on a dragnet sweep of a com-

munity. The accused—especially the innocent and, hence, presumably inexperienced accused—are at a disadvantage in a contest with the police and prosecutor. Without the help of an attorney learned in law and sophisticated in the ways of police tactics, the innocent suspect can be tricked into convicting himself with words from his own mouth.

RUSTIN: Let me tell you something about that cop mentality. In Harlem at least, police officers are judged in part by their record of arrests and percentage of convictions. For that reason, many juveniles, unprotected by the constitutional safeguards that adults enjoy in normal courts, are often persuaded by police to plead guilty to a lesser offense than the arresting charge even though they're completely innocent of any wrongdoing. Because these youngsters don't know their rights, they're tricked into building up the police record of arrests and convictions.

TURNER: Mr. Rustin's experience in Harlem is not unique. Virtually *all* law-enforcement agencies feather their nests with statistics. It's a known fact that traffic officers work on a quota system of arrests, expressed or implied. It's not as well known, but so do criminal investigators.

PLAYBOY: Do the rest of you gentlemen agree with Mr. Rustin's contention that juvenile-court procedures deprive teenagers of constitutional safeguards enjoyed by adults?

PEMBERTON: It's a very real problem. The American Civil Liberties Union is currently investigating the case of a juvenile in Pennsylvania who was jailed on hearsay evidence without an attorney and without being told what the charges against him were.

LOHMAN: Many agencies are studying youth courts to introduce reforms to ensure that juveniles will enjoy the same safeguards as adults. But I would not go so far as to suggest, as some have, that juvenile courts be replaced by adult courts. A few adult courts, in fact, are adopting some juvenile-court procedures. The juvenile court has shown us that wrongdoing is not always willful. We don't want to deprive youthful offenders of their civil liberties, but we must continue to treat the problem of criminal responsibility of the very young as quite different from the responsibility of the mature. Indeed, we should emphasize the difference even more than we do now.

PLAYBOY: Do you agree with those who feel that socially and economically underprivileged adult defendants are denied their constitutional rights to an even greater degree than juveniles?

LOHMAN: It is precisely to protect the liberties of the weak and the indigent that these new court decisions are being

wrong—in the view of most informed and reasonable observers. In the hope of assessing the validity of these polar views, and thus of arriving at a more realistic appraisal of the problem, *PLAYBOY* has convened this panel of well-known authorities on law enforcement—representing every shade of opinion—for a discussion of the issues involved. Gentlemen; let's begin by asking whether you feel that the controversial Supreme Court decisions we've cited protect the rights of the individual or "coddle the criminal," as the police allege.

**INBAU:** In my opinion, these decisions have had a crippling effect on law enforcement. Because of the *McNabb-Mallory* and *Escobedo* rulings, police are, for all practical purposes, prevented from interrogating suspects in private. It's usually useless to interrogate a suspect with his attorney present; any lawyer worth his salt is going to tell his client to shut his mouth and keep it shut. Some judges are unrealistic; they don't realize that most crimes are solved not by fancy detective work from clues left behind by the criminal, but rather by skillful interrogation behind closed doors.

**TURNER:** I think it's often the police departments, not the judges, who are unrealistic. Once they get a confession, they think they have a case all locked up, and this leads to sloppy corroborative detective work. Then, when they go to court and have their case shot full of holes, they wail that the court is coddling the criminal.

**BELLI:** If any D. A.s and police chiefs are reading this, I'd like to straighten them out on a couple of basic misapprehensions before we go any further. First of all, if we're coddling anyone, we're coddling the *accused*, not the criminal. Secondly, "coddling" is hardly the word to describe the court's and the counsel's effort to guarantee the inalienable rights outlined in our Constitution to every citizen.

**PEMBERTON:** I agree. The Supreme Court's devotion to our basic constitutional rights isn't pampering criminals; it's simply being true to ourselves and our democratic heritage.

**LEIGHTON:** I agree. But if I may return to Professor Inbau's implication that restrictions on interrogation are leading to an increase in crime, I do not know of a single statistical proof that these recent decisions have hampered police. Professor Inbau says that interrogation is an indispensable part of police work, but I am told that FBI police-academy instructors emphasize just the opposite view. They insist that any intelligent investigator can usually reconstruct the crime by clues found at the scene. Even when there are few clues, however, there's no

had several burglaries totaling \$150,000 worth of diamond-cutting tools. A brilliant police official advertised in all the papers: "Wanted: diamond-cutting tools. Buyer will pay top price." Who should show up with a greedy grin but the burglar's fence?

**INBAU:** Certainly there is an occasional opportunity for that kind of police work. But reality is usually different. Take the hypothetical case of a woman raped in a dark alley. All she can report is that her assailant was a white man around 5 feet, 8 inches tall, wearing a blue shirt and dark trousers. The victim was struck on the head and bled profusely. Now, suppose a gas-station attendant reports that a certain white man about 5 feet, 9 inches tall, wearing a blue shirt, borrowed a key to the men's room that same night to wash what appeared to be blood from his hands. Of course, that doesn't mean that this particular man committed the crime. No sensible judge or jury would convict on such feeble evidence, and the police would not want them to; but the only way to find out if this fellow is guilty—or innocent, for that matter—is to question him. This is the way most crimes are solved. But I want it clearly understood that the police should not be permitted any rough stuff, or to use any interrogation tactics or techniques that are apt to make an innocent man confess.

**LEIGHTON:** Now we're getting to the heart of the matter: Just what is "rough stuff"? Police coercion need not be physical; psychological coercion can be just as punishing and persuasive.

**BELLI:** And reprehensible. Perhaps the rubber hose is not so standard a piece of police equipment as it once was, but today there are far more sophisticated methods of torture in daily use. We all concede that a man must not be forced by rack, wheel or thumbscrew to confess a guilt that isn't true. But I see little difference between whipping a man and brainwashing him, or scaring him half to death. A dishonest interrogator, for example, can isolate a suspect who is ignorant of his rights and unprotected by an attorney, and murmur sympathetically to him, "Too bad you can't be home taking care of your family. We think your wife is going to be all right, but she's coughing pretty bad. Of course, the doctor is doing all he can, but she's calling for you. Now, if you'll just tell us all about it, you can be out on bail in an hour to take care of her." Well, that poor fellow will say just about *anything* to get out and look after his wife.

**COOK:** Another equally effective and insidious technique is to subject the suspect to hours and hours of questioning by relays of interrogators. Usually a

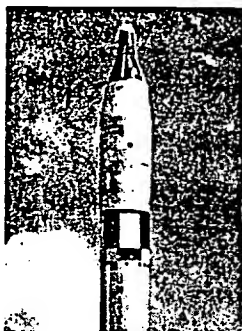
d. That last brute who was so rough on you is a real heel and I heartily disapprove of his methods. But you and I are friends. We can do business. Have a cigarette and tell me all about it." Essentially, that's the technique the Chinese Reds used in Korea to brainwash prisoners. Today it's a standard technique of virtually all American investigative agencies. Professor Inbau's own textbook on interrogative techniques recommends this very use of alternate interrogators with different personalities and approaches. Finally, a suspect gets tired; he's half-dead for lack of sleep; his brain and will are numbed from grappling with his emotional reaction to the two different personalities, and he'll say anything the police want him to say. During the hours of questioning, the police have drummed into him all the details he needs to make an elaborate confession as though from his firsthand knowledge as the guilty man. They have repeatedly asked, for instance, "Weren't you at First Avenue and Sixth Street at 3:30 A.M. with a switchblade in your pocket?" That makes it easy for him to confess having been exactly where the police want him at the time they want him there.

**PLAYBOY:** Are you saying that the police deliberately feed suspects these details in order to extort false confessions?

**COOK:** Not deliberately, no. But there is a very peculiar cop psychology. When a cop arrests a suspect, he feels he's solved the case: To be arrested is to be guilty. It's a sincere feeling for the cop, an inevitable development of his way of life. All of us would suffer from the same prejudice if we were doing his difficult job. He's carried away by his theory of how the crime was committed, by his own brilliance in solving it, and he's certain the only remaining problem is to squeeze the truth out of the guy he's already chosen as the guilty man.

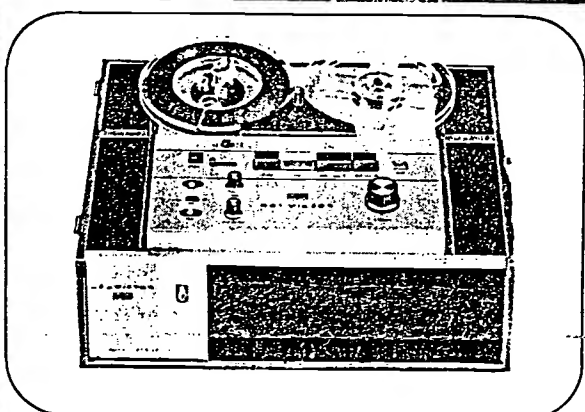
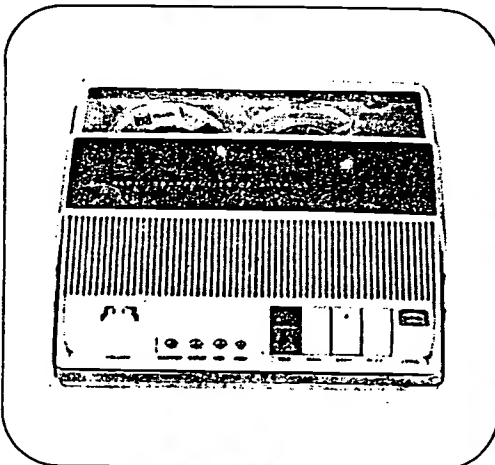
**LEIGHTON:** I think you may be a bit guilty yourself—of oversimplification. You're quite right, though, when you say that the tough-guy-nice-guy system has become a standard police interrogation procedure—almost as common as the deplorable practice of unremitting interrogation over inordinately prolonged periods. Fifteen, even thirty hours of nonstop questioning is by no means unheard of.

**INBAU:** Be that as it may, I think that the limits of interrogation should remain elastic. Cases differ. Suppose a suspect says he was with Joe so-and-so at the time of the crime. The police should be allowed to hold him till they can track down and question Joe and check the alibi. That may take an hour, four hours, who knows? If Joe, a responsible citizen, says the suspect was indeed with him, the police turn the suspect loose. If Joe says



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...the community has changed. Up to now, the police have acted toward submerged sections of the population without the same restraint that they've shown toward the more articulate and advantaged citizens who have long held power—and enjoyed the benefits of counsel as a matter of course. But now the depressed populations have a voice and leadership. They believe in themselves and are acting collectively—and effectively—through organizations representing them.

**BELL:** We're just damned lucky that we live in a country where the Supreme Court protects the stumblebun sleeping under the railroad bridge as zealously as it does the president of the railroad sleeping in his private car. In the Gideon case, for instance, the Court weighed the appeal of an insignificant unknown convict as carefully as they would a brief from the president of U. S. Steel. As soon as the Supreme Court forgets the rights of the least of us, the rest of us are going to be taken over by the "righteous" who can't wait to ride roughshod over the Constitution. When he was Attorney General, Bobby Kennedy was quoted as saying, "We can and must see to it that America does not unjustly punish the man who is already serving a life sentence of poverty."

**RUSTIN:** We can and must—but we don't and haven't. We continue to maintain a plethora of statutes meant only to harass the poor and the weak. Vagrancy laws, for instance, are the most oppressive type of class legislation. They exact punishment for the so-called crime of being poor and unemployed. Making a crime out of the state of being jobless in a society steadily wiping out jobs through automation is simply not worthy of a civilized people.

**PEMBERTON:** Vagrancy laws, essentially, are a device used by local authorities to keep what they call "undesirables" out of the community by harassing them, arresting them repeatedly till they leave and haunt some other city. A poor drunk will be ridden mercilessly by police just for being drunk, but a rich drunk can sop it up by the gallon for years and never feel the law's weight.

**RUSTIN:** All too true. But that isn't the worst of it. Perhaps the most notorious inequity of all in modern law enforcement is the bail-bond system, which penalizes the poor for being poor. If a poor man cannot dig up bail, he must stay in jail for months awaiting trial—just as though he had already been proven guilty. Nobody gives him back those months of imprisonment, nor is he recompensed in any way if he is eventually found innocent. The rich offender, meanwhile, can walk the streets freely because he has the money to spring himself. Instead of requiring financial bond courts



**PEMBERTON:** We are rapidly nearing time when old-fashioned bail will be abolished. The Vera Foundation in New York recently carried on a three-year Manhattan Bail Project experiment during which 3505 accused were released on their own recognizance after recommendation by the Foundation staff. Only 1.6 percent willfully failed to appear in court; during the same period, three percent of those out on financial bail bond failed to appear. It's also noteworthy, and a bit sobering, to reflect that 59 percent of those held in jail till trial were convicted, but only ten percent of those who had been out on bail. This, it seems to me, may indicate that freedom of the accused before trial is an important factor in preparing a defense and escaping improper punishment.

**BELLI:** Another excellent reason to do away with the bail bond—if one is needed—is the simple fact that it's a dirty, vicious racket. Too often the bail-bond broker gets his cut of the criminal lawyer's fee, acting as a lawyer's agent and steering business to the highest bidder. It's a completely illegal racket, but it exists in every major city in the United States.

**PLAYBOY:** That brings up another aspect of legal injustice to the poor. What happens to the accused who can't afford a lawyer's fee, either? The Gideon decision requires that each accused, no matter how poor, has the right to counsel. How do you think it should be provided?

**BELLI:** I favor the paid public defender, like those of Oakland and Los Angeles in California. The Los Angeles public defender has a large staff with many investigators and, what's more important, all of them are sincerely dedicated to defending the poor. When I visited Russia, the people there were shocked to learn from me that in most parts of the United States the government pays not only for the prosecution but also for the defense.

**RUSTIN:** But to have the state pay both the prosecutor and the defender gives the state still more power than it already wields in court. Inevitably, the defender will become friendly with the prosecutor because his salary comes from the same treasury. It's only human nature for him to become, perhaps unconsciously, more on the side of the state than of his indigent clients. No, the defense of the indigent should be the function of private agencies such as the Legal Aid Society, the bar associations, civil rights groups and volunteer panels of public-spirited attorneys.

**PEMBERTON:** Though ours is not a legal-aid society, the ACLU is one of those private agencies Mr. Rustin just described. We've studied this knotty problem without reaching any clear conclusion, but

societies like ours, paid public defenders—whatever system or mixture of systems each district feels is most effective in its own area. But whatever system is used, the government should foot the bill for the truly indigent. Most of our experience with the public-defender system has been good, by the way, despite the reasonable-sounding objections Mr. Rustin has raised.

**PLAYBOY:** For several years, Mr. Pemberton and the ACLU have been in the forefront of a campaign by various civil liberties groups to overturn local "stop-and-frisk" statutes that permit the police in some cities to accost any citizen "on reasonable suspicion," search him publicly and force him to explain his presence and his plans. The principal avowed purpose of the search is to protect the police from attack with concealed weapons and to prevent thieves and dope pushers from "dumping" stolen goods or narcotics before apprehension. Do you think this law serves its purpose, gentlemen—and that the stated end justifies the means?

**PEMBERTON:** The answer to both questions is an emphatic no. The policeman's right to force us to explain our presence on his beat is a gross violation of our right to remain silent—and to mind our own business. And the stop-and-frisk law gives the police the right to detain anyone they feel intuitively is about to commit a crime. How can you have probable cause to believe a person guilty of a crime that hasn't been committed yet?

**INBAU:** Hold on a minute. This stop-and-frisk law doesn't permit a policeman to stop just any citizen on a whim. He can stop and frisk only when there has been a crime committed in the neighborhood and the person stopped fits the description of the criminal, or when he finds persons loitering in a dark alley where they have no business at three in the morning. This is what the law means by "reasonable suspicion" that a person has committed a crime or is about to commit a crime. A policeman can't search for papers or flip through personal effects; he can search only for weapons. Should he search a wallet and find a stolen bond, for instance, that bond would not be admissible as evidence, because he would have exceeded the search authority given him by this statute.

**RUSTIN:** Whatever its provisions or its purpose, this law is a nefarious example of class legislation, for its effect is to permit harassment of the poor. No police are going to stop and frisk well-dressed bankers on Wall Street—but they don't hesitate to stop well-dressed Negro businessmen in Harlem and go through their attaché cases. That kind of brusque police action is reserved for the poor

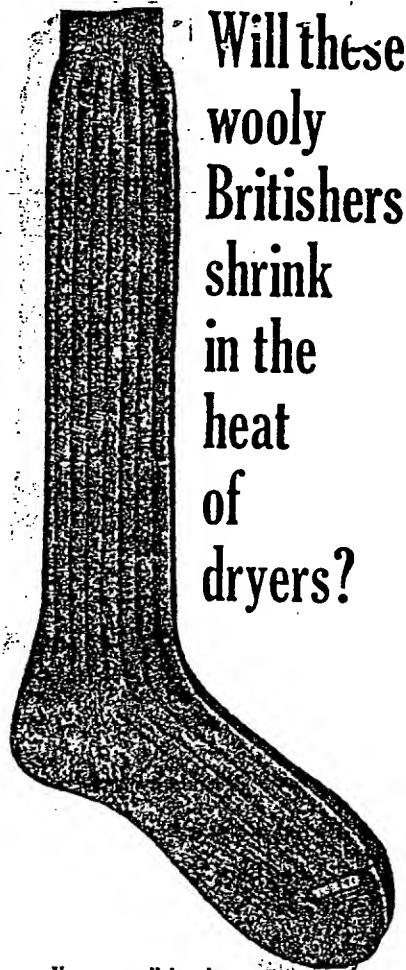
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used this power to embarrass or harass the innocent—of whatever race—there would be such an outcry that the law would be repealed. Yet in the case of *People vs. Rivera* just last year, the New York Court of Appeals upheld the validity of the stop-and-frisk statute with only one dissent, and the U. S. Supreme Court has refused to review that decision. This combination of court rulings puts the stop-and-frisk law on very solid ground.

**BELLI:** I wouldn't say that. The stop-and-frisk law is clearly unconstitutional, in my opinion, and I predict that it will be struck down when next it's tested by the Supreme Court.

**PLAYBOY:** Another police-backed local statute that's come under fire from the ACLU and other civil liberties groups is the so-called "no-knock-and-enter" law, which empowers law-enforcement officers—again, on "reasonable suspicion"—to burst into and search a suspect's home or place of business without either knocking or announcing themselves as policemen. Do you feel that this law is unconstitutional, too, Mr. Belli?

**BELLI:** Absolutely. And I predict exactly the same fate for it.

**PEMBERTON:** Both of these laws dangerously weaken the barrier between us and unlimited, arbitrary authority. They practically beg for unscrupulous policemen to abuse their power and—Professor Inbau's reassurances notwithstanding—to harass citizens they don't happen to like. We abandoned a historic safeguard of our liberties when we accepted those laws.

**INBAU:** Remember that the police are empowered to stop and frisk or to break in only after going through the full procedure of establishing probable cause, and in the case of the no-knock-and-enter law, of obtaining a search warrant as well. Thus the innocent public is protected from brusque, unwarranted intrusion by the police. As for the stop-and-frisk law, don't you think, in all fairness, that a policeman *should* have the right to search for dangerous weapons before exposing himself to possible criminal attack?

**PEMBERTON:** That argument is just as specious as the one given for the passage of the no-knock law: to permit a forcible unannounced entrance "where danger to the life or limb of the officer or another may result" from a properly announced search. But violence is far more likely to occur when police kick down a door without announcing themselves. In fact, kicking a door down is pretty violent to begin with and invites violence in return.

**RUSTIN:** Of course it does. A frightened

criminals and might open fire on them—with every justification.

**TURNER:** Especially in New York, where the newspapers specialize in lurid accounts of "crime waves," there is a hysteria that could easily prompt an innocent householder to shoot first and investigate later. And the police are by no means always innocent of this kind of freewheeling violence at a house arrest—even if they don't actually kick down a door. When I was still a special agent, the FBI got a tip from a motel owner that one of his guests looked like one of the "Ten Most Wanted" criminals. They surrounded the place and banged on the door. When the guest cracked it open slightly, one of the agents shoved his credentials forward, but it was pitch dark. "FBI, open up!" he barked. When the poor, frightened guest didn't instantly fling the door open to invite this armed mob inside, they shot him in the face. It turned out later, of course, that he was perfectly innocent. The agents responsible were severely disciplined, but they didn't go to jail. This incident shows what kind of tragic injustice can result from the use of excessive force in serving an arrest warrant.

**COOK:** This resort to violence by the police is a bad sign of declining professionalism. One of the best cops I ever knew was a New York detective named Johnny Cordes. He piled up a fantastic record of arrests, but he developed the theory that he was a better cop if he never carried a gun, and for years he practiced his profession completely unarmed. He's still alive, retired with many honors. Contrast him with the FBI agents who were trailing a pair of kidnapers in the Thirties. The local police were cooperating and knew where one of the principal suspects was hiding out, but they wanted to catch the other one, too, when he visited his pal. The FBI had been advised that the police were staked out watching the hide-out, but they got impatient and at midnight Hoover himself led a fire fight. They got their man, all right, but not the second kidnaper: the local police found out later that he had indeed come to pay a visit that night—and had watched the whole battle as part of the crowd. The cop who depends on muscle and gunplay is always inferior to the one who relies on brains.

**BELLI:** Too many policemen are nothing more than overgrown kids still playing cops and robbers—only for *keeps*. But there's too damned much gunplay around on *both* sides of the badge. *Everybody's* playing with guns as though they were toys. We don't have bears prowling the streets anymore: there are no Indians climbing through the windows. The so-called constitutional right

that cities with strong laws controlling firearms have much lower homicide rates than cities with unrestricted sale of guns. In New York City, where ownership of firearms has long been supervised, the murder rate is 3.8 per 100,000 of population, substantially lower than the national average of 4.5 and about one third of Alabama's 10.2. New York City also has the lowest robbery rate of the nation's nine largest cities. These figures offer a pretty sound argument for the control of firearms. And just by the way, these figures also argue that there is a bit of hysteria behind the current tendency to call New York City's streets a jungle of violent crime.

**LEIGHTON:** I agree that contemporary crime statistics produce hysteria rather than thoughtful consideration of the factors that contribute to the incidence of crime. For example, we are told that crime has increased "five times faster than the population." From a definitive point of view, is this a statement that enlightens us? I sometimes suspect that such crime statistics are issued to terrorize people rather than to inform and educate the public.

**TURNER:** You're absolutely right, I'm sorry to say. As an FBI agent, I made arrests I was ashamed of just to play the numbers game. Conscientious cops hate it, but this business of amassing statistics is forced down their throats. Obviously, justice suffers as a result. It's an abuse that should be ended. I suppose the only way to stop it is for those who appropriate funds for police agencies to yawn when a police chief—or a J. Edgar Hoover, for that matter—tries to impress them with numbers.

**COOK:** The FBI crime compilations are peculiar products of a new system of tabulating crimes. In 1930, when the FBI began collecting crime statistics, only 400 police departments reported to the FBI; now about 8500 departments report. Obviously, the sheer volume of crimes reported will grow explosively when the number of reporting agencies increases twentyfold. Added to this is the fact that calls-for-service to every police department in the country have multiplied by factors as high as ten or twelve just in the last five to ten years. I wouldn't be at all surprised if this so-called runaway increase in crime is nothing more than a runaway increase in calls to the police—from a public panic-stricken by a crime-wave scare instigated by the police themselves.

**TURNER:** Let me tell you about a "crime wave" that hit San Francisco last year almost overnight—without the slightest increase in the crime rate. In the North Beach district of the city, some self-righteous morality groups got together and pressured the police into raiding several

proceeded to round up all the girls; and for good measure, they filled up the remaining seats in the paddy wagons with all the drunks and roisterers in North Beach—wholesale lots of them. Not surprisingly, the arrest rate in San Francisco leaped astronomically; to judge by the arrest figures, the city was running amuck. But there had been no upsurge of crime—merely a small but well-directed ground swell of bluenoses who forced chicken-livered police officers into making arrests for so-called crimes that had never bothered them before.

**LOHMAN:** There's still another factor that misleadingly inflates crime statistics. It just so happens that the number of people in that age group which has always committed a disproportionate number of crimes—from 15 to 24—is increasing far faster than the general population. So, naturally, there is an increase in crime rates; but this certainly doesn't imply increasing lawlessness in society as a whole.

**INBAU:** Be all that as it may, the FBI statistics show irrefutably that crime is increasing five times faster than the population. The Attorney General says the crime rate went up 14 percent just last year, and our general population certainly didn't jump that much. Even if the adjustment of statistical methods were to show a less alarming proportionate increase, the police would still have an enormously increasing absolute number of crimes to contend with, and they need all the tools we can give them. A murder is a murder and calls for police action whether it represents only one homicide per 1000 or per 100,000 population.

**PLAYBOY:** Let's discuss some of those tools. Mr. Turner, as an ex-FBI specialist in electronics devices for clandestine surveillance, how do you feel about legalized wire tapping by law-enforcement agencies?

**TURNER:** In the first place, by its very nature, the tap is *illegal*, no matter who does it. Technically, it falls under the heading of "search and seizure": it's illegal because it's impossible in advance to name the specific conversation to be "searched" or the specific information to be "seized," as the Constitution requires in all other searches and seizures. In order to legalize it, you'd have to pass a constitutional amendment—and that's something I'd hate to see happen. I say this as one who has monitored many FBI wire taps during which I necessarily eavesdropped on the conversations of innocent persons discussing matters not pertinent to the investigation, therefore none of my business. It's not a nice job.

**PEMBERTON:** A study of wire tapping in New York City showed that of 3588 phone taps in 1960, about half

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law enforcement: the rest will be between innocent persons. But that won't prevent the invasion of their privacy by eavesdropping policemen. Mr. Turner's disclosure that he practiced wire tapping as an FBI agent is a fascinating bit of intelligence when you consider that J. Edgar Hoover has called the practice unethical and detrimental to sound police practice. If I remember correctly, he said, "The discredit and suspicion of the law-enforcing branch which arises from the occasional use of wire tapping more than offsets the good which is likely to come of it."

**TURNER:** He's quite right—though it doesn't alter the fact that the Bureau uses it as a matter of course. Very little positive information comes across a wire tap, however, unless it's from an innocent and naïve person, and those aren't the people police are after. When I was with the Bureau, we used the tap almost entirely on cases of subversive activity, but we rarely picked up anything useful. The same time and energy could have been better spent on some other technique. The FBI doesn't really depend on the tap very much; the agency rarely has more than 100 taps going at any one time.

**PLAYBOY:** That sounds like a lot of wire tapping.

**TURNER:** Not when you consider that the New York City police have at least that many going at one time just within the city limits. But I think the argument over wire taps sometimes distracts from a more invidious practice: the planting of hidden microphones. A bug picks up not only phone conversations but *everything*, including pillow talk. And invariably a trespass is committed to install it, which is not the case with wire taps. As you may know, the FBI publicly acknowledges the number of taps it has across the country at any one time. Once I was ordered to pull out a tap because one was being installed in another city; this would keep the books in balance. But I was at the same time ordered to install a bug to replace the tap. The FBI does not announce the number of bugs it has going.

**PEMBERTON:** And our technological revolution is spawning dozens of new eavesdropping devices every year. Sooner or later, inevitably, miniature television transmitters like the ones in *Dick Tracy* will be developed and we will have entered the era of 1984 with Big Brother's eye on us day and night. And don't think certain police officials will hesitate to use it. In California they even bugged a bedroom shared by the speaker of the California Assembly and his wife. Any assumption that wire tapping and eavesdropping has been or will be confined to

title fascist at the other end a juicy earful!

**COOK:** Everybody I know who is at all vulnerable *assumes* his phone is tapped. If you've ever opened your mouth in protest, raised your voice on a controversial issue, you take it for granted that your phone is tapped. But I don't know what can be done about it. It's alarmingly widespread—and becoming more so every day.

**PEMBERTON:** I know an enterprising reporter for the *Chicago Sun-Times* who called on 11 private detectives picked at random from the phone directory. He asked each to set up a wire tap and made his reasons progressively more despicable. Finally he asked a detective to bug a priest's confessional, rather hoping he would get a punch in the nose for even suggesting it. But the detective blandly agreed. Only one man turned him down, and even he offered to help *arrange* a tap. The reporter ended his investigation convinced that almost every one of the city's 200-odd agencies not only could have but *would* have set up a tap on absolutely anyone. It's a ghastly commentary. But how can the government prosecute when it's hypocritically breaking the same law?

**PLAYBOY:** How do you feel about the legality and morality of other invasions of privacy in the name of law enforcement—such as the mail cover, for example, by means of which policemen keep a log of all incoming and outgoing mail with the collaboration of postal officials?

**TURNER:** The Postmaster General recently put a stop to that practice, I'm happy to say. At least he's *said* he has: I'm always a bit skeptical. I have every reason to believe that a Federal agency put a mail cover on *me* not long ago. I sent two manuscripts to magazines in New York, and shortly afterward, two Federal agents called on the editors and asked to see the manuscripts. They had no legal way of knowing such manuscripts even existed, much less that they had arrived at those specific editorial offices. Undoubtedly they had gotten wind of the fact that I was working on a couple of pieces about the FBI, and had correctly surmised the obvious: that they were not entirely sympathetic. Knowing that many editors could be intimidated by a call from Federal agents, they decided to try it, but one of the editors balked and that piece was published. I don't know why the agents were so concerned: it was only a critique of the FBI for its incompetence in failing to prevent the Kennedy assassination.

**PLAYBOY:** In addition to mail covers, postal inspectors have also resorted to spying on their own employees through one-way mirrors and peepholes in toilets. And the Walter Jenkins case revealed that the same methods are widely

tion division. If somebody is beat or brutalized by a policeman, these cases are investigated by the police themselves. If he finds cause, Superintendent Wilson takes the matter to the state's attorney's office for prosecution. We are proving in Chicago that the police can supervise themselves when the public demands it.

BELLI: Well, I'm not so sure about that; but my fear for our civil liberties is not a fear of police brutality or corruption. I think the average cop on the beat is doing a hard job well. What scares me is the greed for power of people like J. Edgar Hoover and the far-right extremists who yearn for a police state. These Supreme Court decisions which they so abominate aren't making the policeman's job tougher; they're putting the bridle on Hitlerian bastards who have no place in our democracy. If we want to preserve it, we need only two inviolate rules, in addition to the writ of habeas corpus and a judge-and-jury system: (1) You don't have to say anything that may be used against you, and (2) you're entitled to a lawyer. If we can preserve just those two rules, we will be able to preserve our democracy. If you could get just those two guarantees in Russia or China, those countries would be so changed that you couldn't tell them from the United States. So let us not, in God's name, lose those guarantees here.

INBAU: We're not about to lose them, Mr. Belli. But we cannot preserve law and order when all our concern is on civil liberties, for civil liberties cannot exist except in a stable, safe society. To have civil liberties without safety of life and property is a meaningless thing. We cannot abolish the police and still maintain an orderly society, nor can we impose so many restrictions on them that they are powerless to prevent crime and apprehend criminals. Court decisions seeking to force the police to behave properly by releasing obviously guilty persons will not protect our liberties in the long run. The prime power police should have to combat crime effectively is the right to interrogate suspects privately for a reasonable length of time before arraignment. Again, I emphasize that the suspect must not be mistreated and he must be informed of his right to remain silent. But the police must be allowed to question a suspect in private, or law enforcement as we have known it will become a shambles. If police are deprived of this basic right, we must brace ourselves for an avalanche of crime even greater than we suffer from today.

COOK: I disagree completely. Regardless of the needs of law enforcement, we must preserve our liberties at all costs. The survival of each of us as an in-

dividual, we are that much closer to disappearing into a vast, faceless police state, just as Mr. Belli fears, and human society will become indistinguishable from a termite colony. I concede that we may have more lawlessness today than in the past, but I don't feel that there is a cause-and-effect relationship between increasing crimes and court decisions that protect civil liberties. No, our whole moral tone is lower, thanks chiefly to our free-enterprise-racket society, our scramble for personal gain. You see evidence of this lax moral tone, to name just one example, in the widespread practice of robbing insurance companies by making excessive and fraudulent claims. When the little guy at the bottom of the heap sees those at the top taking moral shortcuts, rigging prices contrary to the law, cheating on taxes, he figures it's only smart for him to grab his own piece of the action. In this kind of society, you're going to have more crime regardless of expanded or curtailed police power. The protection of individual civil liberties has nothing to do one way or the other with the crime rate; but in any case, they must be preserved.

RUSTIN: I agree with Mr. Cook that the society we live in does not really want true law and order, or at least is not willing to make those reforms that will lead to true law and order. In terms of human rights, the policeman is the patsy for our society; he is the instrument for enforcing a basically unjust system. Police just cannot accept poor people as being of the same value as those who have made it. Any effort to improve law and order by increasing the number of police or their powers is doomed to fail. All you achieve is to create a larger number of corrupt policemen. As long as society tolerates bad housing, antiquated school systems and massive unemployment, it will be impossible to maintain law and order. Reliance on police power has not prevented and will not prevent outbreaks of lawlessness like the riots in Watts and Harlem. These controversial court decisions, far from encouraging crime, are merely a small first step toward a larger justice. Without this minimal protection of civil liberties, law and order would be impossible. For a more orderly and just society, we must tear down slums and build decent housing, throw out our 19th Century school system and set up schools to prepare people for the technological society of this century, to provide full and fair employment for all people. Without reforms, we will be faced with increasing disorders regardless of the powers given to police. In the corrupt society of today, the policeman is just part of the widespread decay of morals. The police are themselves pris-

oners of the police problem simpler, it would call not for more policemen with more police powers, but for more justice. Who knows? Perhaps someday it will.

PEMBERTON: Big government—and that includes its law-enforcement arm—threatens to become so powerful that to preserve the kind of democracy we've enjoyed in the past, we are going to have to *inhibit* rather than increase its power. Law in a democracy is always enforced more effectively by moral sanction than by police force. Respect for the law is the most important factor in maintaining law and order. And to preserve respect for the law, a society must have law-abiding policemen. If we maintain a police force recruited from superior types of citizens and trained in the best modern techniques of police work, it will not be necessary to abridge personal freedoms in order to preserve the peace. The public will respect the law because the police themselves respect the law.

LEIGHTON: I agree. We are demonstrating in Chicago that improvement of police communications, equipment, training and internal discipline does more for law enforcement than a dubious curtailment of civil liberties.

LOHMAN: Giving the police greater authority to abridge the rights of individuals is certainly not the answer. What must be done nationally, as is being done in Chicago, is to recruit a higher type of rookie and train him in the latest investigative techniques. But he must also be made to understand what civil liberties are, and what restrictions he must accept. If he learns his police work well, he will find that those restrictions do not hamper him.

TURNER: The modern recruit is already far superior to the old-time cop. In San Jose, California, for instance, 80 to 90 percent of the police are college graduates. Gradually a superior brand of policeman is crowding up from the bottom to replace the old-fashioned martinet who came up the hard way and hasn't even heard of such a thing as civil liberties. We still have a long way to go before we reach Utopia, and we'll probably never quite reach it, but the quality of policemen is improving every day. Meanwhile, the courts are performing an absolutely vital function in protecting the individual against the crushing power of the state. Professor Inbau apparently feels that a clearly guilty person should be convicted regardless of police intrusion on his liberties; but once the police have a foot in the door, once they are permitted to violate anybody's civil liberties whether that person is clearly guilty or not, it will be no time at all before we lose the civil liberties of *everybody*, guilty and innocent alike.



**BELL:** I can understand how the use of wire tapping, however distasteful, might occasionally be unavoidable in order to bring a guilty man to justice—or to save an innocent one. But *this* sort of thing is utterly and completely abhorrent, totally impermissible whatever the justification. It's far more immoral than the immoralities it seeks to eliminate. How would you like to make your living by gluing your eyes to a hole in a john to see what's happening on the other side?

**TURNER:** I've done it—and I hated it. There is no more miserable, degrading work than that kind of surveillance. But quite apart from the basic indecency of it, this kind of Peeping Tom work is grossly unconstitutional: it's an invasion of privacy without even the pretext of looking for specific evidence of a specific crime. It's just a dragnet operation invading the privacy of perhaps a thousand innocents in the vague hope of catching maybe one guilty man. But the police don't hesitate to employ these methods with just that hope. And, unbelievably enough, many courts actually *admit* that improperly obtained kind of evidence; it's done all the time.

**PLAYBOY:** The reliance of police on the polygraph, or lie detector, as an interrogational technique is even more widespread than their use of wire tapping, bugs, mail covers and peephole spying in surveillance work. Distrust of the polygraph's findings, however, has spurred many cities and six states to outlaw its use, and it has recently been under attack or investigation by labor unions, the Defense Department and a Congressional subcommittee. Is their disapproval justified, in your opinion?

**BELL:** Not in my experience. I've used it many times and found it a most useful and often an invaluable instrument. Once, I remember, the prosecution wouldn't let us give polygraph tests to three of my clients on condemned row in San Quentin, so we took the complaining witness to Reno and tested him there. His story proved to be completely untrue; so we saved three men's lives with that machine.

**PEMBERTON:** Whatever its effectiveness in detecting lies, the fact remains that the polygraph violates a person's right not to testify against himself. The individual is coerced by the threat that he will be presumed guilty if he refuses to submit. No less invidious is the fact that during the test he answers dozens of questions irrelevant to the crime, thus giving the police information that neither they nor anybody else has a right to know. And some polygraph operators have reported that certain subjects who haven't been caught in a lie nevertheless show "dishonest tendencies." It doesn't take much intuitive ability to conclude that a machine, and the man operating it, is

**PLAYBOY:** The Congressional committee that recently investigated the polygraph—which was being considered for Government use—concluded that there is no such thing as a "lie detector" and that the machine's purported infallibility is a hoax. Would you agree with that?

**TURNER:** J. Edgar himself told the Warren Commission, "The FBI feels that the polygraph technique is not sufficiently precise to permit absolute judgments of deception or truth." But I happen to know for a fact that the FBI uses the polygraph on its own personnel.

**PLAYBOY:** For several years, critics of the police, especially in cities with large Negro and Puerto Rican populations, have been clamoring for civilian review boards with power to fire or discipline law-enforcement officers for improper conduct or procedures, including the use of the investigational and interrogational devices we've been discussing. Police respond that they should be allowed to police themselves. How do you gentlemen feel about it?

**RUSTIN:** I cannot understand police objection to the idea. While one function of the board would certainly be to protect the public against police malfeasance, another equally important function would be to clear innocent policemen of baseless charges brought by mischief-makers. How could an innocent policeman object to that?

**PEMBERTON:** What the police object to about civilian review boards is the possibility that all kinds of wild accusations against them will get into their records and haunt them for the rest of their careers, even if they're exonerated. It doesn't seem to bother them that this is precisely what happens to innocent private citizens who get picked up in dragnet roundups for police interrogation. That arrest is on their records whether or not they're ultimately convicted. So it turns out that policemen are just as sensitive as ordinary citizens about having their records needlessly besmirched.

**INBAU:** It's for that very reason that I feel civilian review boards would serve merely to frustrate and demoralize the police. The right thing to do is what we did in Chicago after the scandalous discovery a few years ago that many police were involved in a burglary ring. The public was so outraged that they demanded a new superintendent of police. The city brought in Orlando Wilson, who used to hold the same chair in criminology at the University of California now occupied by Dean Lohman, by the way. Under his leadership, Chicago is now protected by what is fast becoming the best police force in the world. It's a force much more mindful of the rights of the public than the old force, and

## We're Happening All Over

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600 active members on several campuses—is the May 2nd Movement, an outgrowth of the May 2nd Committee formed at a socialist conference at Yale in March 1964. Its name comes from the fact that on May 2nd of that year, the Movement organized a march on the United Nations, protesting the war in Vietnam.

Like the DuBois Clubs, the May 2nd activists consider what they term "American imperialism" their primary target. Admitting frequent, informal ties with the Progressive Labor Party, May 2nd leaders deny they have been taken over by the PLP. They call their nascent organization "a radical student peace organization," but they are not pacifists. "We cannot," says one of their leaders, "ask the Vietcong or the black people in Northern ghettos to be nonviolent. Oh, I used to be a pacifist, but I never had to try it out. However, a Vietnamese peasant confronted by a Marine or a black man being hit by a cop cannot be asked to be nonviolent. Pacifism is irrelevant for them."

Old-line, anti-Communist leftists such as Socialist Norman Thomas and Bayard Rustin, chief strategist for Martin Luther King, condemn the overt commu-

nism of the PLP; and they consider the DuBois Clubs and the May 2nd Movement as at best politically naïve and at worst easy prey to manipulation by Communists. SDS, SNCC and the Northern Student Movement resent the implication that they can be successfully infiltrated. They will cooperate with the DuBois Clubs and the May 2nd Movement—though not with the rigid, raucous PLP—on specific projects, maintaining their own stubborn independence. Since they practice total inner democracy and have no patience with pat ideologies, whether Soviet or Chinese, they are confident they can protect themselves.

On one occasion, a PLP member infiltrated a SNCC unit in the South, becoming editor of that group's local newspaper. When the paper began to look as if it had been programed by a computer in Peking, the journalistic James Bond of the PLP was dismissed.

"Look," says C. Clark Kissinger, a short, wiry, 24-year-old graduate of the University of Chicago (where he majored in mathematics) and now a full-time strategist for SDS, "we began by rejecting the old sectarian Left and its ancient quarrels. We are interested in direct action

on specific issues. We do not spend endless hours debating the nature of Soviet Russia."

In agreement with Kissinger is 28-year-old Bill Strickland, a tall, slim, pervasively hip Negro who directs the Northern Student Movement from an office in Harlem. A *magna cum laude* graduate of Harvard who wrote his master's thesis on Malcolm X, Strickland speaks for the majority of today's radical American young when he insists: "Whatever 'revolution' does occur will be an American revolution, coming out of the American experience. We'll have to evolve our own ideology. You can't impose an alien ideology in the United States. We're not interested in a guy's memorizing Trotsky's theory of permanent revolution or in some Stalinist with a line. We're interested in creating new forms and new institutions."

"Man," adds a member of SNCC, "the Communists, they're empty, man, empty. They've got the same stale ideas, the same bureaucracy they've always had. When he gets mixed up with us, a Com-mie dies and a person develops."

The Northern Student Movement—the SNCC of the North—was formed in 1961. Manned largely by college students, some of whom dropped out of school for a time to work in the field, the NSM at first concentrated on tutorial programs for children in Negro slums. In the last year, its focus has changed to helping the poor—the black poor—organize themselves into power blocs.

With some 2000 student members on 73 campuses, the Northern Student Movement has 32 field secretaries and 40 full-time volunteer workers. Now nearly all in the field are Negro. Engaged in community organizing in Boston, Hartford, Detroit, Philadelphia and Harlem, they are acting as catalysts for rent strikes, political action, pressure on War-on-Poverty officials to enlist the poor in decision making, and otherwise as stimuli for the previously voiceless to join forces. "We go way beyond voter registration," says Strickland. "What's the point of getting people registered so that they're swallowed by the same old mechanistic political machines? We're engaged in creating new political structures for a really new society."

A switch to politics is also a major part of the new direction being taken by CORE. Formerly, CORE concentrated its energies on civil rights breakthroughs—from public accommodations to job—but now, CORE's former national director, James Farmer, emphasizes, "our goal is power, political power" (see *When Will the Demonstrations End?*, PLAYBOY, January 1966, and *Mood Ebony*, PLAYBOY, February 1966). One route to that power is the opening of store fronts...

